IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

PRESENT
THE HON'BLE MR JUSTICE R.SUBHASH REDDY
WRIT PETITION NO : 28596 of 1998

Dated 4th June, 2007

Between

N.Dhanalaxmi ….Petitioner

And

The Prl. Secretary to Govt.,
Panchayat Raj and Rural Development Department,
Govt. of AP, Hyderabad and ors

….Respondents.

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 28596 OF 1998

ORDER:

In this Writ Petition, the petitioner seeks direction by way of Writ of Mandamus to the respondents to pay compensation for the land, admeasuring Ac.1.13 cents covered by Sy.Nos. 329, 328/3 and 313/1

of Kuchinapudi village, Nizampatnam Mandal in Guntur District, which was utilized for formation of road.

In the affidavit filed in support of the Writ Petition, it is stated that one smt. Late B.Venkatayamma, who is mother of the petitioner, was the original owner of the land covered by land in Sy.Nos. 329, 328/3 and 313/1 in view of her purchase prior to 1960. It is stated that the above said land was given to the petitioner towards 'Pasupu-Kunkuma' more than 25 years back. It is further stated that though the above said dry land was converted into wet land, but, however, the same was utilized for laying the road, linking Repally-Nagaram R & B roads connecting Kuchinapudi, Muttenpalli and Nagbaram villages. It is stated that possession of the said land was taken six years prior to the filing of the Writ Petition and though there was assurance for giving alternate land or to pay compensation, but however, no steps were taken by the respondents. After filing the representation on 10-8-1998 claiming compensation, the petitioner had come up with this Writ Petition in the year 1998 seeking direction for payment of compensation in respect of the subject land.

Counter affidavit is filed by the second respondent-Chief Executive Officer, Zilla Parishad, Guntur. It is stated in the counter affidavit that as per the report of the Executive Engineer, Panchayat Raj, Tenali, link road between Repalle-Nagaram and Repalle-Nizampatnam was taken up during the year 1983-84 and made traffic worthy by the year 1985-86. It is further stated in the counter affidavit that the Deputy Executive Engineer, Panchayat Raj Sub Division, Repalle, in his report dated 2-7-2000 stated that all the land owners,

whose lands were parted with in the formation of link road have accepted to spare their lands at free of cost at the time of starting the work. While denying the utilization of the land of the petitioner for formation of link road as alleged, it is stated that the land of Smt. B.Venkayamma, who is mother of the petitioner, who was the owner of the land along with two others, namely, Sri Kesana Subbaiah and Sri Kesana Krishna Murthy to the extent of Ac.015 cents in Sy.No.313/1 and Ac.032 cents in Sy.No. 328/1 of Kuchinapudi village, was utilized for formation of link road. It is further stated that one Smt. N.Seetha Ravamma of Kuchinapudi village is also claiming compensation stating that she is the another daughter of Smt. Batchu Venkayamma and she is entitle for compensation.

At the outset it is to be noted that the Writ Petition is filed in the year 1998 and in the affidavit it is stated that the land to the extent of Ac.1.13 cents covered by Sy.Nos. 329, 328/3 and 313/1 of Kuchinapudi village was utilized six years back for formation of link road between Repalle- Nagaram and Repalle- Nizampatnam. It is stated In the counter affidavit that the said link roadwork was taken up during the year 1983-84 and completed and made traffic worthy during the year 1985-86. It is further stated in the counter affidavit that when the said road works were taken up, all the landowners agreed to part with the lands at free of cost for formation of link road.

From the averments in the counter affidavit, it is clear that the said road works were taken up during the year 1983-84, but however, this Writ Petition was filed in the year 1998. Even in the affidavit filed in support of the Writ Petition it is stated that the said land was utilized for formation of road much earlier to the filing of the Writ petition in the year 1998. Further, in the counter affidavit it is stated that the road

works were taken up during the year 1983-84 and completed during the year 1985-86 and the Writ Petition is filed nearly after 12 years of formation of link road. Further, it is stated that part of the land in question stood in the name of Smt. Batchu Venkayamma, mother of the petitioner, and, remaining part of the land in question stood in the name of two other co-owners and all the land owners have parted with the land on their own at free of cost for formation of road. As such, it is not open for the petitioner to seek relief by filing the Writ Petition at this point of time. There is absolutely no explanation for abnormal delay and laches in filing the Writ Petition, and, there is also no proof of transfer of the said land in favour of the petitioner by way of 'Pasupu-Kunkuma', and, therefore, no relief can be granted in this Writ Petition.

The Writ Petition is devoid of merits and is accordingly dismissed. No order as to costs.

JUSTICE R. SUBHASH REDDY

DATED: 04-06-2007.
Msnr.